

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re CIM-SQ Transfer Cases

Case No. [22-mc-80066-WHO](#)

Re Case Nos.: 20-6326-EJD, 21-103-HSG,
21-5351-HSG, 22-cv-22-MMC.

**ORDER ADOPTING JULY 15, 2022
ORDER**

On July 19, 2022, I issued an Order to Show Cause (“OSC”) in the represented cases identified in the caption. Dkt. No. 62. The OSC required defense counsel to show cause why the conclusions I reached in my July 15, 2022 Order (“July 15 Order,” Dkt. No. 59) regarding Qualified and PREP Act Immunity should not be reached in these additional represented cases.¹

On August 5, 2022, defense counsel responded to the OSC by standing on and incorporating the arguments made in the dismissal motions covered by my July 15 Order regarding Qualified and PREP Act Immunity. Dkt. No. 72.

I deem defendants’ arguments regarding Qualified and PREP Act Immunity made in the dismissal motions covered by my July 15 Order as if they were raised and made by motions to dismiss in the represented cases identified above. I also adopt my rationale and conclusions from the July 15 Order on Assigned Issues 2 and 3, and deny the deemed motions to dismiss based on Qualified and PREP Act immunity for the represented cases identified above.

These cases may otherwise proceed before the underlying assigned judges. However, if defendants file notices of appeal in the represented cases identified above, I will *sua sponte* stay

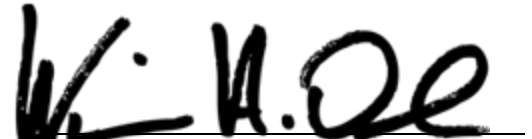
¹ I also ordered plaintiffs’ counsel to file a notice either dismissing J. Clark Kelso from the identified cases or notifying me that plaintiffs intended to pursue claims against the federal Receiver. Dkt. No. 62 at 2-3. In response, counsel in Case No. 21-103-HSG dismissed defendant Kelso. Dkt. No. 81.

these cases pending appeal, consistent with the order granting the unopposed motion to stay.

Dkt. No. 89.

IT IS SO ORDERED.

Dated: August 31, 2022

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

William H. Orrick
United States District Judge

United States District Court
Northern District of California